

PROB 12B  
(Rev. 3/12)

# UNITED STATES DISTRICT COURT

for

## DISTRICT OF NORTH DAKOTA

### Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

*(Probation Form 49, Waiver of Hearing is attached)*

Name of Offender: Rising Sun Irwin

Case Number: 0868 4:05CR00103

Name of Sentencing Judicial Officer: Daniel L. Hovland U.S. District Court Judge

Date of Original Sentence: May 22, 2006

Original Offense: Possession of Material Containing Images of Child Pornography

Original Sentence: 120 months imprisonment; 5 years supervised release

Type of Supervision: TSR

Date Supervision Commenced: 12/24/2014

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### PETITIONING THE COURT

- ☐ To extend the term of supervision for \_\_\_\_\_ Years, for a total term of \_\_\_\_\_ Years.  
☒ To modify the conditions of supervision as follows:

- 1) If required by the Probation Officer, Defendant shall submit to regular electronic alcohol monitoring, which may include a Sobriety breathalyzer, transdermal alcohol sensing bracelet, or other device. Defendant shall review and sign a program agreement provided by the Probation Office and shall follow the procedures specified by the Probation Officer. Defendant shall pay all costs associated with the program, unless the Probation Officer determines the defendant is financially unable to pay.
- 2) The defendant shall be subject to the following curfew. Defendant shall be at his residence from 10:00 p.m. until 6 a.m. The Probation Officer may modify this curfew as he or she deems necessary.

### CAUSE

On May 16, 2015, the defendant was arrested and charged with D.U.I.- Drove or In Actual Physical Control of a Motor Vehicle While Under the Influence of Alcohol/.08 by Three Affiliated Tribes Police Department. Please see attached Police report.

PROB 12B  
(Rev. 2/13)  
Irwin, Rising Sun  
0868 4:05CR00103


Respectfully submitted,


By: /s/ Fallon Clouse  
U.S. Probation Officer  
Date: May 27, 2015

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THE COURT ORDERS:

- ☐ No action.
- ☒ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above.
- ☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

  
\_\_\_\_\_  
Date

PROB 49  
(Rev. 2/2013)

# UNITED STATES DISTRICT COURT

for

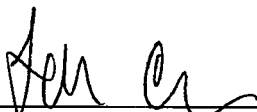
## DISTRICT OF NORTH DAKOTA

### **Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By assistance of counsel, I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

- 1) If required by the Probation Officer, Defendant shall submit to regular electronic alcohol monitoring, which may include a Sobriety breathalyzer, transdermal alcohol sensing bracelet, or other device. Defendant shall review and sign a program agreement provided by the Probation Office and shall follow the procedures specified by the Probation Officer. Defendant shall pay all costs associated with the program, unless the Probation Officer determines the defendant is financially unable to pay.
- 2) The defendant shall be subject to the following curfew. Defendant shall be at his residence from 10:00 p.m. until 6 a.m. The Probation Officer may modify this curfew as he or she deems necessary.



Fallon Clouse  
U.S. Probation Officer



Rising Sun Irwin

5-26-15  
Date